

# EXHIBIT B

## **Marandola, Tyler R.**

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**From:** Marandola, Tyler R.  
**Sent:** Wednesday, November 27, 2019 3:35 PM  
**To:** Montclare, Paul; Williams, Matthew; Lichtman, Leo; Nguyen, Elaine; Carter, Timothy  
**Cc:** Wolfsohn, David J.; Oxholm, Kendra  
**Subject:** Phillies v. Harrison-Erickson -- Today's Meet and Confer and Search Terms

All,

Thank you for a productive meet and confer today. I am writing to summarize the main points and to start the process of agreeing on search terms for searching electronically stored information.

### **Meet and Confer**

- 1. Identifications of Burkett, Stone, Muldar, Blalock, and Young.** You agreed to provide a brief description of these individuals to the extent you had information about who they were (or could get it from your clients), and said that you expected to be able to do so by early next week.
- 2. Phillies RFPs 22, 23, 30: Deposits made with the Copyright Office in applying to register the copyrights listed in Appendix A to the Phillies' first RFPs to Defendants, and any contracts relating to those registrations.** You agreed to investigate with your clients what documents they have relating to these requests and, after that investigation, to give us your position on whether you will produce them. Please provide us with your position by next Wednesday so that we can raise the issue promptly with the Court if necessary.
- 3. Written communications between H/E or You and the Copyright Office.** You stated that the communication referred to in your letter to Judge Marrero was oral and not in writing. You agreed to produce correspondence with the Copyright Office, and agreed that any such correspondence is not privileged.
- 4. Phillies RFPs 21 & 25: "Valuations" of Phanatic intellectual property and copyright registration.** You agreed to produce what your clients have with respect to valuations, as long as the obligation is mutual. We agree that it should be mutual, and we will similarly produce any valuations to the extent they can be located in a reasonable search.
- 5. Phillies RFPs 24 & 26: Plans for the Phanatic Post-termination.** You agreed to speak with your clients and to reassess your position after doing so. Please provide us with your position by next Wednesday.

### **Search Terms for Electronically Stored Information**

#### **Search Terms for Phillies' Documents**

Subject to our ability to test these terms to determine their breadth, the Phillies will search the below terms through the following custodians' electronic documents: Scott Brandreth, Dave Buck, Tom Burgoyne, Andrea Guest, Kurt Funk, Chris Long, Howard Smith, Eric Pesce, John Hollinger, Michael Roche, Vanessa Mapson, Troy Sattin, and Jamie Trout:

- [yahsure@earthlink.net](mailto:yahsure@earthlink.net)
- [bonnie@acmemascots.com](mailto:bonnie@acmemascots.com)
- [weighed@earthlink.net](mailto:weighed@earthlink.net)
- [wayde@acmemascots.com](mailto:wayde@acmemascots.com)

- “appearance with the phillie phanatic”
- “phanatic merchandise”

Search Terms for Defendants’ Documents

Please search Defendants’ electronic documents for the following terms, and produce responsive documents returned by those terms:

- phanatic
- phillies

Although Bonnie Erickson and Wayde Harrison are the most obvious custodians, please let us know if any employees of Acme Mascots or H/E may have responsive documents and if you intend to search their electronic files.

Next week, once the parties have had an opportunity to run some test searches on the terms, we invite a meet and confer to discuss potential additions or modifications.

Have a good holiday,  
Tyler

**Tyler R. Marandola**

Associate

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